

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

CHARLES EDWARD CARR, JR.,	)	
	)	
Plaintiff,	)	Case No. 2:12-CV-213
	)	
v.	)	Chief Judge Curtis L. Collier
	)	
ARNOLD WAYNE HODGE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JUDGMENT ORDER**

Before the Court is *pro se* Plaintiff Charles Edward Carr Jr.'s ("Plaintiff") application to proceed *In Forma Pauperis* (Court File No. 1). Plaintiff's complaint lists a number of claims, including fraud, extortion, use of a 26 U.S.C. § 501(c)(3) organization for noncharitable purposes, "abuse of court jurisdiction as a duly appointed administrator of a state," and violation of Plaintiff's civil rights. Pursuant to 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure, United States Magistrate Judge William B. Carter filed a report and recommendation recommending the action be dismissed in its entirety (Court File No. 8).

Initially, Judge Carter notes any state law claim must be dismissed for lack of subject matter jurisdiction, because Plaintiff and Defendant Arnold Hodge, as well as many other defendants, are residents of Tennessee. *See* 28 U.S.C. § 1332. Additionally, Judge Carter recommends any federal claims Plaintiff asserts be dismissed for failure to state a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2)(B)(ii); frivolousness of claims under 28 U.S.C. § 1915(e)(2)(B)(i); judicial immunity; and failure to seek leave of court to file the action, as required by an order of the Court in *Roy Feathers v. Chevron U.S.A., Inc.*, 2:95-cv-391 (E.D. Tenn. Aug. 1, 1996), *aff'd*, 141 F.3d 264 (6th Cir. 1998). Judge Carter also recommended the Court deny Plaintiff's motion to

amend his complaint to add two individuals as defendants (Court File No. 6) because he failed to provide a factual basis to state a claim against those two individuals. Judge Carter never reached the question of whether Plaintiff was indigent because he concluded Plaintiff failed to assert any facts or offer any legal theory upon which this Court could grant relief. Neither party objected to the report and recommendation within the given fourteen days.

Upon conducting an independent review of the record, this Court agrees with the magistrate judge's report and recommendation (Court File No. 8). The Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. The Court **ORDERS** that this case be **DISMISSED**.

As no further matters remain for adjudication, the Court **DIRECTS** the Clerk of Court to **CLOSE** the case.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT  
s/ Debra C. Poplin  
CLERK OF COURT